

Executive Summary – Enforcement Matter – Case No. 47956
Martin Operating Partnership L.P.
RN103870572
Docket No. 2013-2099-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Harbor Island Terminal, 1 Harbor Island Road, Port Aransas, Nueces County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 21, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$172

Amount Deferred for Expedited Settlement: \$172

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 21, 2013

Date(s) of NOE(s): November 6, 2013

Executive Summary – Enforcement Matter – Case No. 47956
Martin Operating Partnership L.P.
RN103870572
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Violation Information

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter for haloacetic acids ("HAA5") based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the MCL for HAA5; and
- b. Within 380 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Roy W. Dowling, Vice President - Environmental Health & Safety, Martin Operating Partnership L.P., P.O. Box 191, Kilgore, Texas 75663

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	12-Nov-2013	Screening	18-Nov-2013	EPA Due	30-Sep-2013
	PCW	3-Dec-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Martin Operating Partnership L.P.		
Reg. Ent. Ref. No.	RN103870572		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47956	No. of Violations	1
Docket No.	2013-2099-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jim Fisher
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$150**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **15.0%** Enhancement **Subtotals 2, 3, & 7** **\$22**

Notes Enhancement for three NOV's with same/similar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$845
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$172**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$172**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$172**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$172**

Screening Date 18-Nov-2013

Docket No. 2013-2099-PWS-E

PCW

Respondent Martin Operating Partnership L.P.

Policy Revision 3 (September 2011)

Case ID No. 47956

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103870572

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 18-Nov-2013

Docket No. 2013-2099-PWS-E

PCW

Respondent Martin Operating Partnership L.P.

Policy Revision 3 (September 2011)

Case ID No. 47956

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103870572

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average. Specifically, the locational running annual average concentrations of HAA5 for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.085 mg/L for the fourth quarter of 2012, 0.101 mg/L for the first quarter of 2013, and 0.092 mg/L for the second quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for HAA5 caused the customers of the Facility to be exposed to a significant amount of pollutants which do not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

242 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	X		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$845

Violation Final Penalty Total \$173

This violation Final Assessed Penalty (adjusted for limits) \$173

Economic Benefit Worksheet

Respondent Martin Operating Partnership L.P.
Case ID No. 47956
Reg. Ent. Reference No. RN103870572
Media Public Water Supply
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2012	31-May-2015	2.41	\$40	\$805	\$845
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount for the Facility to implement an alternative form of disinfection, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$845

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601535925, RN103870572, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent,	CN601535925, MARTIN OPERATING PARTNERSHIP L. P.	Classification:	SATISFACTORY	Rating:	0.94
Regulated Entity:	RN103870572, HARBOR ISLAND TERMINAL	Classification:	SATISFACTORY	Rating:	0.25
Complexity Points:	3	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	1 HARBOR ISLAND ROAD, PORT ARANSAS, NUECES COUNTY, TEXAS				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NEA019S
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1780048
USED OIL REGISTRATION A85758
AIR NEW SOURCE PERMITS AFS NUM 4835501672
AIR NEW SOURCE PERMITS REGISTRATION 104234
AIR NEW SOURCE PERMITS REGISTRATION 108869

POLLUTION PREVENTION PLANNING ID NUMBER P07357
STORMWATER PERMIT TXR05R159
USED OIL EPA ID TXR000042580
AIR NEW SOURCE PERMITS REGISTRATION 71327
AIR NEW SOURCE PERMITS REGISTRATION 111971

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: November 18, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 18, 2008 to November 18, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jim Fisher **Phone:** (512) 239-2537

Site and Owner/Operator History:

- | | |
|----------------------------------------------------------------------------------------------------|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees: N/A

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 17, 2009	(779387)
Item 2	August 25, 2010	(844529)
Item 3	May 19, 2011	(908854)
Item 4	May 23, 2011	(920887)
Item 5	July 28, 2011	(935983)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1 | Date: 12/18/2012 (1128420) | CN601535925 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | |
| | Description: HAA5 LRAA MCL 4Q2012 - The system violated the maximum contaminant level for haloacetic acids during the 4th quarter of 2012 with a LRAA of 0.085 mg/L at Trailer 5 (DBP2-01). | |
| | | |
| 2 | Date: 03/14/2013 (1128420) | CN601535925 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | |
| | Description: HAA5 LRAA MCL 1Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 1st quarter of 2013 with a LRAA of 0.101 mg/L at Trailer 5 (DBP2-01). | |
| | | |
| 3 | Date: 06/11/2013 (1128420) | CN601535925 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | |
| | Description: HAA5 LRAA MCL 2Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 2nd quarter of 2013 with a LRAA of 0.092 mg/L at Trailer 5 (DBP2-01). | |

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

Regulated Entity: RN103870572, HARBOR ISLAND TERMINAL

Appendix A - All NOV's Issued During Component Period 11/18/2008 and 11/18/2013

1	Date:	11/19/2009	(779393)	CN601535925	Classification:	Minor
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)				
	Description:	Failure by a public water system, serving fewer than 250 connections or 750 people, and use only groundwater or purchased treated water to maintain a record of the amount of each chemical used each week.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)				
	Description:	Failure to maintain a record of the dates that dead-end mains were flushed.				
2	Date:	09/22/2011	(952005)	CN601535925	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 106, SubChapter K 106.261(a)(2) 30 TAC Chapter 106, SubChapter K 106.262(a)(2) 5C THSC Chapter 382 382.085(b)				
	Description:	Failure to comply with the requirements of an applicable permit by rule. Specifically, from March 1, 2011 to July 29, 2011, the pounds per hour (lb/hr) emission limits specified in 30 TAC §§106.261(a)(2) and 106.262(a)(2) were exceeded for the following pollutants: propane, butanes, and pentanes. Emission amounts were based on analytical testing conducted on July 21, 22, and 23, 2011.				
3*	Date:	09/04/2012	(1015426)	CN601535925	Classification:	Minor
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4) III.C.1.(a.) PERMIT				
	Description:	Failed to meet the Daily Maximum Effluent Limitation for Discharges to Marine Waters for barium.				
4*	Date:	12/18/2012	(1128420)	CN601535925	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)				
	Description:	HAA5 LRAA MCL 4Q2012 - The system violated the maximum contaminant level for haloacetic acids during the 4th quarter of 2012 with a LRAA of 0.085 mg/L at Trailer 5 (DBP2-01).				
5*	Date:	03/14/2013	(1128420)	CN601535925	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)				
	Description:	HAA5 LRAA MCL 1Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 1st quarter of 2013 with a LRAA of 0.101 mg/L at Trailer 5 (DBP2-01).				
6*	Date:	06/11/2013	(1128420)	CN601535925	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)				
	Description:	HAA5 LRAA MCL 2Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 2nd quarter of 2013 with a LRAA of 0.092 mg/L at Trailer 5 (DBP2-01).				

* NOV's applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period November 18, 2008 and November 18, 2013

		(779387)
Item 1*	November 17, 2009**	For Informational Purposes Only
		(779393)
Item 2	November 19, 2009**	For Informational Purposes Only
		(844529)
Item 3*	August 25, 2010**	For Informational Purposes Only
		(908854)
Item 4*	May 19, 2011**	For Informational Purposes Only
		(920887)
Item 5*	May 23, 2011**	For Informational Purposes Only
		(935983)
Item 6*	July 28, 2011**	For Informational Purposes Only
		(952005)
Item 7	September 22, 2011**	For Informational Purposes Only
		(1015426)
Item 8	September 04, 2012**	For Informational Purposes Only
		(1041946)
Item 9	November 06, 2012**	For Informational Purposes Only
		(1128420)
Item 10	October 29, 2013	For Informational Purposes Only
		(1128635)
Item 11	November 08, 2013	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARTIN OPERATING
PARTNERSHIP L.P.
RN103870572**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-2099-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Martin Operating Partnership L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division and the Respondent, presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1 Harbor Island Road in Port Aransas, Nueces County, Texas (the "Facility") that has approximately 11 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on October 21, 2013, TCEQ staff documented that the locational running annual average concentrations for haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.085 milligrams per liter ("mg/L") for the fourth quarter of 2012, 0.101 mg/L for the first quarter of 2013, and 0.092 mg/L for the second quarter of 2013.
3. The Respondent received notice of the violations on November 12, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Hundred Seventy-Two Dollars (\$172) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). One Hundred Seventy-Two Dollars (\$172) of the administrative penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the terms and conditions contained in this Agreed Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may require Respondent to pay all or part of the deferred administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Seventy-Two Dollars (\$172) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the

Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Martin Operating Partnership L.P., Docket No. 2013-2099-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Davis
For the Executive Director

4/28/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Martin Operating Partnership L.P. I am authorized to agree to the attached Agreed Order on behalf of Martin Operating Partnership L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Martin Operating Partnership L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Roy W. Dowling
Signature

2/12/2014
Date

ROY W. DOWLING
Name (Printed or typed)
Authorized Representative of
Martin Operating Partnership L.P.

VICE PRESIDENT OF EHS
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.